IN VACATION.

BLASPHEMY, NO CAUSE FOR REVERSAL.—A judgment for the plaintiff in an action for negligence, will not be reversed because of a declaration by the plaintiff's counsel that "if the railroad company were charged with the killing of Christ, . . . they would come into court and plead that Christ was guilty of contributory negligence." *St. Louis etc. R. Co.* v. *McLendon* (Tex. Civ. App. 1894) 28 S. W. 307.

READING BIBLE TO JURY.—In an action for libel (the libel consisting of a charge that the plaintiff is a drunkard) the plaintiff's attorney may read to the jury the following verse from the Bible: "No drunkard shall inherit the kingdom of heaven." *Tobin* v. *Sykes* (Sup. Ct. Gen. T.), 54 N. Y. St. 399, 24 N. Y. Supp. 943.

OBJECTIONS WAIVED.—Counsel, speaking of the plaintiff's chief witness, said: "This man Bouton is a star witness for Marvin in all these cases. He would swear a hole through a two-inch plank." *Held*, that in the absence of seasonable objection there was no reversible error. *Marvin* v. *Ruhmohr*, 115 Mich. 687, 74 N. W. 208.

LIED LIKE A TOMBSTONE.—Counsel for the state on a prosecution for murder, said: "That Jim McBride, a witness for defendant, had lied like a tombstone; that they lied more than any other inanimate objects; but that there was one that did not lie, and that it was the plain shaft that was reared to poor, humble Barney Gray, back in old Mississippi, and which had upon it: "Murdered at Annona, Texas, on October 22nd, 1898." *Held*, that counsel should have been reprimanded, but that the error was not reversible because proper and timely objection was not made by the defendant. *Warthan* v. *State*, 41 Tex. Crim. 385, 55 S. W. 55.

ASSAULT AND BATTERY.—"If a strong man has a weak one in his power, and gives his victim the choice of being kicked or cuffed, he cannot defend his battery on the ground that the injured man consented." *Hellman* v. *Shoulters*, 114 Cal. 136, 44 Pac. 915, 45 Pac. 1057, per Temple, J.

MOLLITER MANUS IMPOSUIT.—Where an unauthorized person forcibly throws a woman's freshly washed and ironed clothes on the floor, it is a question for the jury whether she could lay hands on him more gently than by means of a baseball bat applied to the back of his head. *State* v. *Goode*, 130 N. Car. 651, 41 S. E. 3.

SHOOTING FRIEND FOR AMUSEMENT.—"Those who shoot at their friends for amusement ought to warn them first that it is mere sport." *Crumbley* v. *State*, 61 Ga. 582, per Bleckley, J.